

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NAKREISHA MCFARLAND, et al.,

Plaintiffs,

v.

OPINION AND ORDER

20-cv-583-wmc

HOUSING AUTHORITY OF RACINE COUNTY,
and MICHAEL SCHATTNER,

Defendants.

In this civil action, *pro se* plaintiff Nakreisha McFarland, individually and on behalf of her minor children, is seeking to enjoin defendant Housing Authority of Racine County (“HARC”) from terminating her Section 8 housing voucher, and defendant Michael Schattner from evicting them from Schattner’s rental property. Defendants seek to dismiss plaintiffs’ action pursuant to Federal Rule of Civil Procedure 12(b)(3), based on improper venue, or, alternatively, to transfer venue to the Eastern District of Wisconsin, pursuant to 28 U.S.C. § 1406(a) (dkt. ##6, 11), and on February 25, 2021, the court issued an order directing defendant Schattner to supplement his motion with evidence of his domicile (dkt. #19). Schattner has submitted an affidavit, attesting that he (1) lives at 8117 Arden Road, Racine, Wisconsin 53406, (2) has lived there for two and a half years, and (3) intends to live at that address indefinitely into the future. (Schattner (dkt. #20) ¶¶ 1-3.) Schattner’s representations are sufficient to establish that he is domiciled in Racine, Wisconsin, and thus resides in the Eastern District of Wisconsin. *See* 28 U.S.C. § 1391(c)(1). As such, the court is further satisfied that venue is improper in the Western District of Wisconsin, since the court has already accepted that the events giving rise to

plaintiffs' claims occurred in the Eastern District of Wisconsin (*see* dkt. #19, at 2-3), and neither HARC nor Schattner reside in this district. *See* 28 U.S.C. § 1391(b).

Finding venue improper in the Western District of Wisconsin, the court further concludes transfer, rather than dismissal, serves the interest of justice.¹ Therefore, the court will grant defendants' motion to transfer this case to the Eastern District of Wisconsin.

ORDER

IT IS ORDERED that:

- 1) Defendant HARC and Schattner's motions to dismiss or transfer (dkt. ##6, 11) are GRANTED.
- 2) This lawsuit is TRANSFERRED to the Eastern District of Wisconsin.

Entered this 9th day of March, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

¹ Schattner also seeks dismissal of plaintiffs' claim against him pursuant to Federal Rule of Civil Procedure 12(b)(6), but the court will not address that ground for dismissal since this case is being transferred to another district.